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PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. MBHB03-465-D (400/151))

IN THE APPLICATION OF:

McSwiggen *et al.*

Serial No. 10/826,966

Filed: April 16, 2004

Title RNA Interference Mediated Inhibition Of  
Gene Expression Using Chemically Modified  
Short Interfering Nucleic Acid (siNA)

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)  
) Examiner: To Be Assigned  
)  
) Group Art Unit: 1635  
)  
) Confirmation No.: 2134  
)  
)

TRANSMITTAL LETTER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

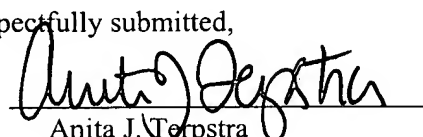
In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Correction of Claim for Priority;
  - b) Preliminary Amendment;
  - c) Supplemental Application Data Sheet; and
  - d) Return postcard
2. With respect to fees:
  - a) It is believed no fee is due at this time.
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 16, 2004.

Respectfully submitted,

Date: August 16, 2004

By:

  
Anita J. Terpstra  
Registration No. 47,132



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UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. MBHB03-465-D (400/151))

IN THE APPLICATION OF:	)		
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McSwiggen <i>et al.</i>	)		
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Serial No. 10/826,966	)	Examiner:	To Be Assigned
	)		
Filed: April 16, 2004	)	Group Art Unit:	1635
	)		
Title RNA Interference Mediated	)	Confirmation No.:	2134
Inhibition Of Gene Expression Using	)		
Chemically Modified Short	)		
Interfering Nucleic Acid (siNA)	)		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTION OF CLAIM FOR PRIORITY**

Sir:

Applicants respectfully request that the claim for priority be corrected in the above-mentioned application. The correction of the priority claim includes the addition of priority application. The priority claim is being corrected and the priority applications are being added within 4 months of the filing date of the present application, as required under 37 C.F.R. § 1.78. It is believed that no fee is due in connection with this filing; however, if a fee is due the Commissioner is authorized to charge our deposit account number 13-1249. The claim for priority is as follows:

This application is a continuation-in-part of U.S. Patent Application No. 10/757,803, filed January 14, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/720,448, filed November 24, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/693,059, filed October 23, 2003, which is a continuation-

in-part of U.S. Patent Application No. 10/444,853, filed May 23, 2003 and a continuation-in-part of U.S. Patent Application No. 10/652,791, filed August 29, 2003, which is a continuation of U.S. Patent Application No. 10/422,704, filed April 24, 2003, which is a continuation of U.S. Patent Application No. 10/417,012, filed April 16, 2003. This application is also a continuation-in-part of International Patent Application No. PCT/US03/05346, filed February 20, 2003, and a continuation-in-part of International Patent Application No. PCT/US03/05028, filed February 20, 2003, both of which claim the benefit of U.S. Provisional Application No. 60/358,580 filed February 20, 2002, U.S. Provisional Application No. 60/363,124 filed March 11, 2002, U.S. Provisional Application No. 60/386,782 filed June 6, 2002, U.S. Provisional Application No. 60/406,784 filed August 29, 2002, U.S. Provisional Application No. 60/408,378 filed September 5, 2002, U.S. Provisional Application No. 60/409,293 filed September 9, 2002, and U.S. Provisional Application No. 60/440,129 filed January 15, 2003. This application is also a continuation-in-part of U.S. Patent Application No. 10/780,447, filed February 13, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/427,160, filed April 30, 2003, which is a continuation-in-part of International Patent Application No. PCT/US02/15876, filed May 17, 2002, which claims the benefit of U.S. Provisional Application No. 60/292,217, filed May 18, 2001, U.S. Provisional Application No. 60/362,016, filed March 6, 2002, U.S. Provisional Application No. 60/306,883, filed July 20, 2001, and U.S. Provisional Application No. 60/311,865, filed August 13, 2001. This application is also a continuation-in-part of U.S. Patent Application No. 10/727,780, filed December 3, 2003. This application also claims the benefits of U.S. Provisional Application No. 60/543,480, filed February 10, 2004. The instant application claims the benefit of all the listed applications, which are hereby incorporated by reference herein in their entireties, including the drawings.

Applicants have attached a preliminary amendment to the specification to add the priority claim. Applicants respectfully request entry of the addition of priority claim.

Respectfully submitted,  
McDonnell Boehnen Hulbert & Berghoff LLP

Date: August 16, 2004

By:   
Anita J. Terpstra  
Registration No. 47,132